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5 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
6 AT SEATTLE

7 MICHAEL A. ABELS, )

8 Petitioner, )

9 v. )

10 RON VAN BOENING, )

11 Respondent. )  
\_\_\_\_\_ )

CASE NO. C08-1118-RAJ-JPD

ORDER DISMISSING § 2254 PETITION

12 The Court, having reviewed petitioner's petition for a writ of habeas corpus pursuant to 28  
13 U.S.C. § 2254, respondent's motion to dismiss, petitioner's response, the Report and  
14 Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, any  
15 objections thereto, and the balance of the record, does hereby find and ORDER:


16 (1) The Court adopts the Report and Recommendation.

17 (2) Petitioner's petition for a writ of habeas corpus (Dkt. No. 6), and this action, are  
18 DISMISSED without prejudice.

19 (3) Respondent's motion to dismiss (Dkt. No. 11) is DENIED as moot.

20 (4) The Clerk is directed to send a copy of this Order to petitioner, to counsel for  
21 respondent, and to Judge Donohue.

22 DATED this 9<sup>TH</sup> day of January, 2009.

23   
24 The Honorable Richard A. Jones  
25 United States District Judge  
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